

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 209

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO EDUCATION; ENACTING THE STATEWIDE CYBER ACADEMY
ACT; PROVIDING POWERS AND DUTIES; PROVIDING STANDARDS FOR
ALLOCATING THE EDUCATIONAL TECHNOLOGY DEFICIENCY CORRECTION
FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 7 of this
act may be cited as the "Statewide Cyber Academy Act"."

Section 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Statewide
Cyber Academy Act:

A. "course provider" means a person that supplies

1 educational course content for distance learning courses;

2 B. "distance learning course" means an educational
3 course that is taught where the student and primary instructor
4 are separated by time or space and linked by technology;

5 C. "distance learning student" means a qualified
6 student as defined in Section 22-8-2 NMSA 1978 who is enrolled
7 in one or more distance learning courses for credit;

8 D. "learning management system" means a software
9 application that facilitates online instruction and interaction
10 between teachers and distance learning students;

11 E. "local distance learning site" means a school
12 district or charter school that offers and grants credit for
13 distance learning courses to distance learning students
14 enrolled in the school district or charter school;

15 F. "primary enrolling district" means the school
16 district or charter school in which the distance learning
17 student is enrolled;

18 G. "regional host" means an educational
19 institution, school district or other entity selected by the
20 statewide cyber academy to coordinate the delivery of distance
21 learning courses within a broad geographic region of the state;

22 H. "service center" means the single central
23 facility where administrative and management functions of the
24 statewide cyber academy are physically located in New Mexico;
25 and

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1 I. "statewide cyber academy" means the department's
2 collaborative program that offers distance learning courses to
3 all local distance learning sites."

4 Section 3. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] STATEWIDE CYBER ACADEMY CREATED.--The
7 "statewide cyber academy" program is created in the department.
8 The statewide cyber academy is a collaborative program among
9 the department, the higher education department,
10 telecommunications networks and representatives of other state
11 agencies engaged in providing distance education. The
12 statewide cyber academy shall provide distance learning courses
13 for grades six through twelve and professional development for
14 teachers, instructional support providers and school
15 administrators."

16 Section 4. A new section of the Public School code is
17 enacted to read:

18 "[NEW MATERIAL] DEPARTMENT RULES.--The department shall
19 promulgate rules to carry out the provisions of the Statewide
20 Cyber Academy Act."

21 Section 5. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] STATEWIDE CYBER ACADEMY--DUTIES.--The
24 statewide cyber academy shall:

25 A. establish a distance learning course delivery

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underscored material = new
[bracketed material] = delete

1 system that is efficient and cost-effective and that uses a
2 statewide service center and regional hosts to provide approved
3 distance learning courses;

4 B. select regional hosts based on pre-existing
5 experience and capacity to facilitate the delivery of distance
6 educational programs, including public post-secondary
7 educational institutions, regional education cooperatives and
8 school districts;

9 C. provide technical and program support to
10 regional hosts and local distance learning sites;

11 D. ensure that all distance learning courses
12 offered by course providers are taught by highly qualified
13 teachers or members of the faculty of accredited post-secondary
14 educational institutions and meet state academic content and
15 performance standards;

16 E. provide for reasonable and equitable means to
17 allocate the costs of distance learning courses among the
18 statewide cyber academy, the course providers and the school
19 districts whose students are enrolled in a distance learning
20 course;

21 F. give first priority to the delivery of distance
22 learning courses for credit to distance learning students who
23 have the greatest need because of geographic location or
24 circumstances in which a school district may have difficulty
25 delivering essential course instruction due to financial

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1 restraints or lack of highly qualified teachers; provided that
2 in fiscal year 2008 the statewide cyber academy shall include,
3 among those distance learning students who are determined to
4 have the greatest need, distance learning students served by
5 school districts that are members of regional education
6 cooperatives three, eight and nine;

7 G. ensure that the statewide cyber academy's
8 learning management system is compatible with school district
9 and department data collection, analysis and reporting systems;

10 H. ensure that all deficiencies in the
11 infrastructure, hardware and software in the statewide cyber
12 academy are corrected in accordance with educational technology
13 adequacy standards pursuant to Section 22-15A-11 NMSA 1978;

14 I. comply with all rules governing privacy and
15 confidentiality of student records for secure record storage;

16 J. offer distance learning courses to distance
17 learning students;

18 K. offer professional development via distance
19 learning, using a learning management system;

20 L. assist the council on technology in education in
21 its development of the statewide plan required by Section
22 22-15A-7 NMSA 1978, including a statewide cyber academy plan
23 that addresses short- and long-range goals;

24 M. define and coordinate the roles and
25 responsibilities of the collaborating agencies to establish a

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1 distance learning governance and accountability framework; and

2 N. conduct an annual evaluation and provide an
3 annual report to the department and the legislature that
4 includes a detailed report of expenditures; a description of
5 services provided, including the number and location of local
6 distance learning sites, public schools and distance learning
7 students served; the courses offered; the credits generated by
8 local distance learning sites; and student and teacher
9 accountability reporting data."

10 Section 6. A new section of the Public School Code is
11 enacted to read:

12 "[NEW MATERIAL] DISTANCE LEARNING STUDENTS.--

13 A. A student must be enrolled in a public school or
14 a state-supported school and must have the permission of the
15 student's local distance education learning site to enroll in a
16 distance learning course. A distance learning student shall
17 only be counted in the student's primary enrolling district for
18 the purpose of determining the membership used to calculate a
19 school district's state equalization guarantee. A student
20 shall have only one primary enrolling district.

21 B. A home school student may participate in the
22 statewide cyber academy by enrolling for one-half or more of
23 the minimum course requirements approved by the department for
24 public school students in the school district in which the
25 student resides.

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1 C. A student enrolled in a nonpublic school may
2 participate in the statewide cyber academy if the school in
3 which the student is enrolled enters into a contract with the
4 school district in which the nonpublic school is located.

5 D. A student who is detained in or committed to a
6 juvenile detention facility or a facility for the long-term
7 care and rehabilitation of delinquent children may participate
8 in the statewide cyber academy if the facility in which the
9 student is enrolled enters into a contract with the school
10 district in which the facility is located."

11 Section 7. A new section of the Public School Code is
12 enacted to read:

13 "[NEW MATERIAL] EVALUATION OF REGIONAL EDUCATION
14 COOPERATIVE DISTANCE LEARNING NETWORKS.--A network developed by
15 regional education cooperatives three, eight and nine shall
16 serve as a regional host in fiscal year 2008. The statewide
17 cyber academy shall provide a preliminary report to the
18 governor and the legislature by January 1, 2008 on the quality
19 and cost-effectiveness of the provision of distance learning
20 courses by the regional education cooperatives. At the end of
21 fiscal year 2008, the statewide cyber academy shall prepare a
22 final report on the quality and cost-effectiveness of services
23 provided, including whether the services increased the rigor of
24 school district and charter school curricula, and make
25 recommendations for the expansion to other regional education

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1 cooperatives."

2 Section 8. Section 22-15A-7 NMSA 1978 (being Laws 1994,
3 Chapter 96, Section 7) is amended to read:

4 "22-15A-7. COUNCIL DUTIES.--The council shall:

5 A. advise the bureau on implementation of the
6 provisions of the Technology for Education Act;

7 B. work with the bureau to conduct periodic
8 assessments of the need for educational technology in the
9 public school system to support on-site and distance learning
10 and make recommendations to the [~~state board~~] department on how
11 to meet those needs;

12 C. promote the collaborative development and
13 implementation of educational technologies, projects and
14 practices to enhance on-site and distance learning instruction
15 capabilities;

16 D. develop and recommend to the [~~state board~~]
17 department a statewide plan to infuse educational technology
18 into the public school system in support of state and national
19 education goals, including a statewide cyber academy plan that
20 states short- and long-range goals for distance learning; and

21 E. provide assistance to the bureau in review of
22 school district technology plans to support on-site and
23 distance learning."

24 Section 9. Section 22-15A-11 NMSA 1978 (being Laws 2005,
25 Chapter 222, Section 2) is amended to read:

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1 "22-15A-11. EDUCATIONAL TECHNOLOGY DEFICIENCIES--
2 CORRECTION.--

3 A. No later than September 1, 2005, the bureau,
4 with the advice of the council and the office of the chief
5 information officer, shall define and develop minimum
6 educational technology adequacy standards to supplement the
7 adequacy standards developed by the public school capital
8 outlay council for school districts to use to identify
9 outstanding serious deficiencies in educational technology
10 infrastructure.

11 B. A school district shall use the standards to
12 complete a self-assessment of the outstanding educational
13 technology deficiencies within the school district and provide
14 cost projections to correct the outstanding deficiencies.

15 C. The bureau shall develop a methodology for
16 prioritizing projects that will correct the deficiencies.

17 D. After a public hearing and to the extent that
18 money is available in the educational technology deficiency
19 correction fund, the bureau shall approve allocations from the
20 fund on the established priority basis and, working with the
21 school district and pursuant to the Procurement Code, enter
22 into contracts to correct the deficiencies.

23 E. No allocation shall be made pursuant to this
24 section unless:

25 (1) the method for prioritizing projects

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1 developed by the bureau has been reviewed and approved by the
2 council;

3 (2) the school district has agreed to consult
4 and coordinate with the public school facilities authority
5 before installing any educational technology infrastructure;

6 (3) the council has approved the proposed
7 allocation; and

8 (4) for the 2009 and subsequent fiscal years,
9 the initial assessment required in the Technology for Education
10 Act has been verified by an independent third party as
11 determined in consultation with the public school capital
12 outlay council.

13 ~~[E.]~~ F. In entering into contracts to correct
14 deficiencies pursuant to this section, the bureau shall include
15 such terms and conditions as necessary to ensure that the state
16 money is expended in the most prudent manner possible
17 consistent with the original purpose."

18 Section 10. A new section of the Technology for Education
19 Act is enacted to read:

20 "[~~NEW MATERIAL~~] OBSOLETE COMPUTER REPLACEMENT.--To the
21 extent that money has been appropriated to replace functionally
22 obsolete computers and network devices in public schools,
23 including charter schools, on a five-year cycle, the bureau
24 shall base allocations on a ratio of one computer to three
25 students in each school. Prior to making allocations, the

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1 bureau shall compile and maintain an inventory of computer and
2 network devices in public schools, including charter schools,
3 and develop a methodology for prioritizing the replacement of
4 computers and network devices to ensure that state money is
5 expended in the most prudent manner possible consistent with
6 the original purpose."

7 Section 11. RECOMPILATION.--Section 22-13-27 NMSA 1978
8 (being Laws 2003, Chapter 162, Section 2) is recompiled into
9 the Statewide Cyber Academy Act.

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